

Exhibit 110 : Affidavit of Karen Wilson, October 21, 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PERRY ALLEN AUSTIN,  
Petitioner,

-VS

NATHANIEL QUATERMAN, Director,  
Texas Department of Criminal Justice,  
Institutional Division,

Respondent.

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§  
§  
§

NO. 04-CV-2387

**AFFIDAVIT OF KAREN WILSON**

BEFORE ME, the undersigned authority, on this day personally appeared Karen Wilson,  
who being duly sworn stated as follows:

1. My name is Karen Wilson. I am over 18 years of age, of sound mind, competent to make this affidavit, and personally acquainted with the facts stated herein.
2. I am providing this statement to Christine Lehmann, habeas counsel for Perry Austin, at her request.
3. I am a Licensed Professional Counselor. From 2001 through 2003, during the period that Perry Allen Austin was housed in the Harris County Jail prior to, during and following his trial, I was employed as a counselor at the Harris County Jail.
4. I saw Perry Austin frequently over a period of approximately a year and a half, from October of 2001 through June of 2003. I remember him well. I saw him more frequently than most inmates because the doctors and I felt it was a case that merited extensive follow up.
5. The doctors with whom I worked diagnosed Mr. Austin as suffering from depressive disorder and prescribed an anti-depressant, Remeron. My job was to counsel him one-on-one to help him cope with his symptoms.


021252

6. Initially, Mr. Austin was quite resistant to mental health services or treatment. He refused services and denied any mental illness. He offered very limited information about himself. He did eventually tell me, however, about earlier suicide attempts and some earlier psychological counseling he had received. He also did eventually talk to me to some extent about his symptoms and feelings.
7. While I was seeing Mr. Austin, he exhibited frequent crying spells, nightmares, tearfulness, reduced sleep, racing thoughts and poor concentration. Being held in administrative segregation seemed to exacerbate Mr. Austin's symptoms.
8. His depressive thoughts seemed generally to center around the crime he committed against his family in 1978. His perception was that he had ruined his life with that act, he could never be forgiven, and his life could never have value. He believed strongly that he was going to hell; that Jesus himself could never forgive him. He told me that he could never change, he was always going to be the same and was always going to hurt people.
9. He also confessed to me that, in relation to his trial and appeals, he was doing everything he could to get the death penalty, because he wanted to die. I met with him a number of times during the trial itself. He told me that he allowed the state to choose the jurors and agreed with whomever the prosecutors felt would be a good candidate. He told me that his main goal was to ensure that the two questions that the jury would consider during the punishment phase were understood and answered so that the death penalty would be inevitable. I perceived all this as an attempt at suicide by proxy.
10. I have not been pressured, coerced or promised anything in return for this statement.

  
Karen Wilson

SUBSCRIBED AND SWORN BEFORE ME this 21<sup>st</sup> day of October, 2009.

021253

  
Notary Public, State of

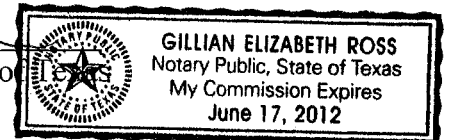


Exhibit 111 : Affidavit of Frank Skoff, July 7, 2010

## Affidavit of Frank Skoff.

My name is Frank Skoff. I am over eighteen years ~~old~~ of age and have first hand knowledge of the facts set out in the following pages except where otherwise indicated.

① I have been incarcerated in the TDC system for the nineteen ~~pm~~ years and have spent the last ~~pm~~ <sup>FMS Jan. 99</sup> or 10 years on the Hughes Unit.

② I met Perry Austin on the Hughes Unit, we were

lovers for about a year in 1999.

③ Perry has a real black and white mentality about him, every was either right or wrong, black or white, there were no grey areas with Perry.

④ For example he was extremely loyal. If he decided ~~if~~ he wanted to spend time with you, he would be willing to do anything for you. I can't really remember any examples of this now it was

a long time ago, but it was obvious in his state of mind and demeanor. He was the type who would stand up for his friends.

- ⑤ Another example of his black and white thinking was his moods. He could be real happy go lucky, and then his mood would change and he would become depressed. When Perry was depressed you couldn't talk to him about it. It was like he would

look for bad things to happen and automatically assume the worst. He would go into his cell by himself and stay there. I think that for a regular inmate, or a normal person in here, they get ~~depressed~~ sad and retreat into their cells maybe every 2-3 months. With Perry, ~~as~~ it was constant; he would go into his cell and not talk to anyone a couple of times a week. Then he might be ok for a couple

of days and then it would start again. I would try to talk to him when he was depressed, and tell him, 'this isn't what is going on' about whatever it was he was thinking that made him depressed. I would try to shoot him down with logic but he would come back with another argument about why he was right to feel depressed. It was frustrating to deal with

his moods because they changed all the time. To get Perry to change the track his thinking was on, to get him out of his black and white thinking you ~~couldn't~~ couldn't reason with him, it was almost like you had to yell to shake him out of it.

(6) Perry was very clean. My personal opinion is that he obsessed over cleaning because Perry locked up hurt him psychologically

and he tried to have some sort of control of his life by cleaning and arranging his property. His mind seemed well structured and split into two, like I said, wrong and ~~and~~ right. For example for some reason he didn't like to sleep on his mattress. One day a sergeant found it ~~under~~ rolled up under Perry's desk and told him to put it on his bed. Perry

said that he didn't like to sleep on it, and when the Sgt. told him he had to put it on his ~~back~~ heel anyway, Perry got mad & threw it over his van into the day room.

- ⑦ Perry would also get jealous a lot. I remember one time we were in the day room and he thought I was looking at someone I used to know ~~from~~ who had been transferred

into our unit. I hadn't even noticed the reason, but he got so mad and wanted to argue with me about it. In his mind he only sees what he thinks, and thinks he - FMS - absolutely knows what's going on, when he doesn't know what is going on. You really have to blow upon him too to shake him out of it, otherwise he'll go on and on about the same thing all day.

⑧ I would like to describe a bit about my experience on Safekeeping at the Hughes Unit. While the TDCJ Offender Handbook might state that general population and safekeeping inmates are supposed to be treated the same way in terms of school and work, the reality is that safekeeping inmates ~~are~~<sup>FMS</sup> have far more limited experiences than inmates in general population.

At the time Perry was at the Hughes Unit, safekeeping inmates were restricted in educational opportunities in the following ways. There were only certain vocational courses offered at the Hughes Unit. If an inmate wanted to do a specific vocational course that was offered at ~~the~~<sup>EMS</sup> a unit without a safekeeping section, ~~then~~<sup>EMS</sup> the inmate would have

to drop his safekeeping status and enter general population on the other Unit. For someone like Perry who were make up and wore his hair feminine, this wasn't a safe option - It was also not a safe option for people with sexually based convictions, like Perry. So in reality our options are only to do courses offered on our

unit or enter the general population which can be very scary and dangerous. <sup>FMS</sup> ~~On the other hand~~ On the other hand it is very easy for general population <sup>FMS</sup> ~~inmates~~ inmates the transfer between units, <sup>FMS</sup> ~~for vocational~~ for vocational courses, they get put on a waiting list and <sup>FMS</sup> ~~sooner or later get~~ shipped.

9 I have obtained an Associate Degree while incarcerated

I have not been threatened  
coerced or promised anything  
for my statement.

I have had the chance  
to review the <sup>FMS</sup> ~~trans~~ above  
17 pages and swear that  
they are true and accurate  
to the <sup>FMS</sup> ~~best~~ best of my  
recollection.

Frank Scott  
Frank Scott

S. Bond  
7-7-10

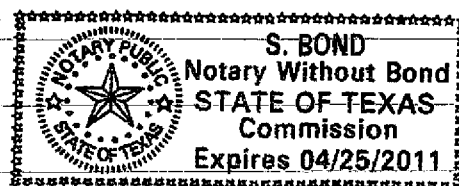


Exhibit 112 : Affidavit of John Edward Creekmore, July 7, 2010

## AFFIDAVIT OF JOHN EDWARD CREEKMORE

MY NAME IS JOHN EDWARD CREEKMORE.  
I AM OVER EIGHTEEN YEARS OF AGE  
AND HAVE FIRST HAND KNOWLEDGE  
OF THE FACTS SET OUT IN THE  
FOLLOWING PAGES EXCEPT WHERE  
OTHERWISE INDICATED.

① I HAVE BEEN INCARCERATED IN  
THE TDC SYSTEM FOR THE PAST  
18<sup>JEC</sup> YEARS AND HAVE SPENT THE  
LAST 11<sup>JEC</sup>½ YEARS ON THE HUGHES UNIT.

② I MET PERRY AUSTIN ON THE HUGHES  
UNIT IN 1999<sup>JEC</sup>

③ THE GUARDS AT HUGHER HAD  
A MAJOR PROBLEM WITH PERRY  
BECAUSE HE WAS FLAMBOYANT  
AND WOULD WEAR EYELINER AT  
WORK; GUARDS WOULD THREATEN  
PERRY WITH WRITING UP A CASE  
IF HE DID NOT TAKE OFF  
HIS MAKE-UP.

④ GUARDS WOULD CALL SAFEGUARDING  
INMATES LIKE PERRY NAMES  
LIKE "DICK SUCKER" AND "PUNK."  
THE NAMECALLING HAS CONTINUED  
SINCE PERRY WAS INCARCERATED  
2 026353

AT HUGHES UNIT BUT IT WAS

MUCH WORSE BACK WHEN

PERRY WAS AT HUGHES UNIT

⑤

WHEN SAFEGUARDING INMATES

WERE IN THE DAY ROOM WATCHING

TV, GUARDS WOULD LAUNCH

THEM UP JUST FOR HAVING

THEIR ARM AROUND A CHAIR;

THE GUARDS WOULD ACCUSE

THE INMATE OF HUGGING

ANOTHER INMATE.

⑥ IT WAS REAL ROUGH FOR PERRY  
WHEN HE WAS AT THE HUGGINS  
UNIT; THE GUARDS CALLED  
SAFEKEEPING INMATES A BUNCH  
OF HOMOSEXUALS

⑦ DURING ONE SHAKEDOWN,  
WE WERE BROUGHT TO A  
GYM; WHEN PERRY ASKED A  
GUARD TO USE THE BATHROOM  
THE GUARD WROTE UP A CASE  
ON HIM. This incident occurred  
2-3 months before Perry left for Harris  
County <sup>SEC</sup>

023556

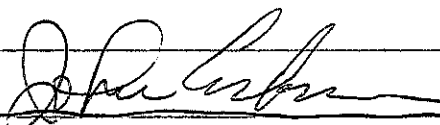
⑧ PERRY HAD PROBLEMS GETTING WATER IN HIS CELL SPECIFICALLY WITH HIS PLUMBING. HE ASKED GUARDS SEVERAL TIMES TO FIX THE WATER AND IT WAS NOT FIXED. IT IS STILL DIFFICULT TO GET ANYTHING FIXED IN THE SAFEKEEPING BUILDING AND IT WAS EVEN MORE DIFFICULT WHEN PERRY WAS THERE.

⑨ SAFEKEEPING INMATES ARE TREATED TOTALLY DIFFERENT THAN GENERAL POPULATION INMATES.

(10) SAFEGUARDING INMATES CAN ONLY HAVE JOBS IN THE FIELD, IN LAUNDRY, IN THE GARMENT FACTORY AND IN SSI (STAFF SERVICE INMATES)

(11) OTHER UNITS - SUCH AS TELFORD - DO NOT SEGREGATE THE SAFEGUARDING INMATES THIS WAY; THEY MIX THEM ALL UP.

I HAVE NOT BEEN THREATENED  
OR PROMISED ANYTHING TO MAKE THIS  
STATEMENT. I HAVE HAD  
THE CHANCE TO REVIEW THE  
ABOVE 6 PAGES AND SWEAR  
UNDER THE PENALTY OF PERJURY  
THAT THE ABOVE IS TRUE TO  
THE BEST OF MY RECOLLECTION.

  
John Creekmore

S. Bond  
7-7-10

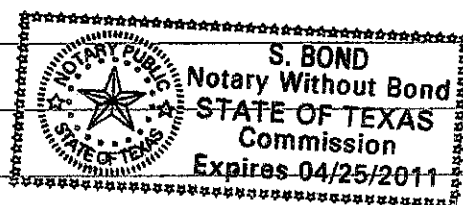


Exhibit 113 : Affidavit of Troy Treadway, July 7, 2010

# AFFIDAVIT OF TROY TREADWAY

MY NAME IS TROY TREADWAY.  
I AM OVER EIGHTEEN YEARS OF  
AGE AND HAVE FIRST HAND  
KNOWLEDGE OF THE FACTS SET OUT  
IN THE FOLLOWING PAGES EXCEPT  
OTHERWISE NOTED. I MET PERRY AUSTIN IN  
ABOUT 1999 IN THE HUGHES UNIT WHERE I AM CURRENTLY <sup>LOCATED</sup> <sub>IN.</sub>

JOBS AVAILABLE TO SAFEKEEPING

INMATES AT THE HUGHES UNIT ARE

VERY LIMITED. FIRST OF ALL,

BECAUSE GENERAL POPULATION INMATES

WILL FILE GRIEVANCES JUST FOR

HAVING TO WORK ALONGSIDE SAFEKEEPING

INMATES. SECOND, AT THE HUGHES

UNIT SAFEKEEPING INMATES ARE

LIMITED TO JOBS IN LAUNDRY,

FIELD WORK, JANITORIAL SERVICES,

AND SSI <sup>SUPPORT</sup> (~~STAFF~~ SERVICE INMATE).

I HAVE BEEN INCARCERATED

SINCE 1991 AND HAVE BEEN

INCARCERATED AT OTHER TDCJ

UNITS (SUCH AS FERGUSON UNIT)

AND SAFEKEEPING INMATES

ARE TREATED THE WORST

AT HUGHES. NOT ONLY ARE

WE LIMITED IN JOBS BUT

WE CANNOT ATTAIN AN S7 OR

S2 STATUS WHICH MEANS

THAT WE HAVE VERY LIMITED

CONTACT VISITS. HERE AT

HUGHES, SAFEKEEPING INMATES

CANNOT ATTAIN AN S7 OR S2  
STATUS UNLESS THEY 'SIGN OFF'  
FROM SAFEKEEPING. IN MY  
EXPERIENCE BEING INCARCERATED  
AT THE TDCJ UNITS, I  
CAN ATTEST TO THE FACT  
THAT THIS DOES HAPPEN  
ELSEWHERE. AS WELL, SAFEKEEPING  
INMATES ARE TREATED EXTREMELY  
POORLY AT HUGHES. THE  
GUARDS TREAT SAFEKEEPING  
INMATES IN A BIASED AND  
PREJUDICED MANNER. HOMOSEXUAL  
INMATES ARE TREATED ESPECIALLY  
3/9

BADLY AND GUARDS WILL CALL

SAFEEKEEPING INMATES NAMES

LIKE 'SWITCHES' AND 'HO'S.'

WHEN PERRY AUSTIN WAS AT

HUGHES HE WAS TREATED

VERY BADLY AND HIS

POOR TREATMENT NEGATIVELY

AFFECTED HIS MENTAL STATE.

THE GUARDS WOULD RIDE

HIM REAL HARD AND

TREAT HIM VERY POORLY

BECAUSE OF HIS HOMOSEXUALITY,

HIS MOOD WORSENEH DURING

HIS TIME HERE AND

4/9  
026380

HE BECAME VERY TIRED OF  
HIS TREATMENT AT HUGHES.  
AT HUGHES, IT WAS EVEN  
DIFFICULT FOR HOMOSEXUALS  
LIKE PERRY TO GO TO  
THE LIBRARY. BUT  
PERRY MANAGED TO STAND  
UP FOR HIMSELF AND  
OTHER PEOPLE AND I RESPECTED  
HIM FOR THAT. PERRY ALSO  
MANAGED TO OVERCOME HIS  
POOR TREATMENT BY THE GUARDS.  
WHEN PERRY WAS TAKEN INTO  
SEGREGATION, HE HAD BELONGINGS

STOLEN AND DAMAGED BY GUARDS.  
AT HUGGIES, IT IS COMMONPLACE  
FOR GUARDS TO STEAL OR  
DAMAGE AN ~~INMATE'S~~ INMATE'S  
PERSONAL PROPERTY WHEN THEY  
ARRESTED INTO SEC. THE  
GUARDS WILL EVEN TAKE INMATES  
WHO CLEAN OUT THE CELL  
OF AN INMATE TAKEN INTO  
SEC. STEAL OR DAMAGE  
THE INMATE'S PERSONAL PROPERTY.  
OVERALL, SAFEGUARDING INMATES ARE  
TREATED VERY VERY BADLY AT  
HUGGIES, AND WHEN PERRY WAS

028382  
S/M

INCARCERATED AT HUGHES, THE  
TREATMENT OF SAFEKEEPING

INMATES WAS FAR WORSE  
BECAUSE SAFEKEEPING WAS NEW

HERE. SAFEKEEPING INMATES

SHOULD BE ABLE TO ATTAIN

AN S1 OR S2 STATUS BUT

AT HUGHES THEY CANT.

AT WORK SHOULD NOT BE

AN ISSUE FOR SAFEKEEPING

INMATES BUT AT HUGHES IT IS.

I HAVE BEEN INCARCERATED AT

HUGHES SINCE 2000 AND SINCE

THEN I HAVE ONLY SEEN TWO (2)  
7/9

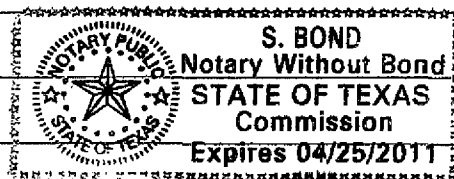
SAFEKEEPING INMATES ATTAIN  
AN S2 STATUS. THAT IS  
WRONG AND THE TREATMENT  
OF SAFEKEEPING INMATES  
IS EXTREMELY POOR AND  
DIFFERS GREATLY FROM  
HOW GENERAL POPULATION  
IS TREATED, THIS WAS  
ESPECIALLY TRUE WHEN PRINCE  
WAS INCARCERATED AT HUGUES  
AND I KNOW THAT THIS  
AFFECTED HIM VERY NEGATIVELY.

I HAVE NOT BEEN THREATENED  
OR PROMISED ANYTHING TO  
MAKE THIS STATEMENT.

I HAVE HAD THE CHANCE TO  
REVIEW THE ABOVE 8 PAGES  
AND SWEAR UNDER THE PENALTY  
OF PERJURY THAT THE ABOVE  
IS TRUE TO THE BEST OF  
MY RECOLLECTION.

Tracy L. O'Donoghue #645711  
Tracy O'Donoghue

S. Bond  
7-7-10



9/9

Exhibit 114 : Affidavit of Jeffrey Wilson, July 8, 2010

My name is Jeffrey Wilson.

I am over the age of eighteen years and attest that the facts contained below are within my personal knowledge unless otherwise indicated.

I met Perry Austin at the Hughes Unit in October 98.

The way safekeeping (SK) and general population (GP) inmates are treated at the Hughes Unit is not the same.

When safekeeping at the Hughes Unit opened up, it  
June

was really really really  
bad. ~~So~~

Sometimes the GP inmates who  
served us chow would with  
hold ~~a~~ food and make us  
pay them in stamps. If  
you didn't give them stamps  
you didn't get the food  
they were withholding.

Perry talked a bit to me about  
his depression. At the  
time he was interested  
in starting a relationship  
with me. I wasn't interested  
SWW

but we talked a lot. I guess people have a tendency to open up more to people who they are interested in. He would say he wanted to die. I have a lot of time but I never thought I wanted to die. Perry read a lot about the ~~ent~~ cult. It seemed to me he was trying to escape his thoughts and depression by reading about this stuff but it seemed to

SW 026386

men him up more. He said  
that he read this stuff in seg.

I think being locked up and trying  
to talk to clemens can't be good.

The guards were real prejudiced  
against us at the Hughes  
Unit. They constantly called  
us child molesters and  
faggots.

The guards could be  
brutal against us. I remember  
once I was beaten by  
two 'field laws' the

guards who work out in the fields. I had the flu and I went over for a walk in. You can do this instead of ~~for~~ filing a sick call when you are really sick.

The two field laws were in the infirmary when I tried to get seen, I was upset, I could tell I had a fever, and these field laws told me I couldn't be seen by the nurse. They told  
JWW

me to get on the wall.  
They told me to 'shut  
my bitch mouth' and  
said 'shut up and get  
on the wall'. They also  
told me to put my hands  
behind my back. They  
handcuffed they took me  
~~to~~ down the wall  
and pushed me against the  
fence, I fell down  
and they slammed my  
elbows on the ground.  
and kicked me in  
the

the ribs. Then they ~~have~~  
had to take me to the  
infirmary. The nurse took  
my temperature there and  
my temperature was 103-102.  
Then they locked me up.

D

AFTER THE INCIDENT WITH THE FIELD

LAW I DECIDED THAT I

SHOULD STAY AWAY FROM

THE INFIRMARY; I ALSO

REALIZED THAT THE FIELD

LAW WOULDN'T TREAT GP

INMATES THIS PROPERLY.

SWW

GENERALLY SPEAKING, SIC  
INMATES ARE TREATED VERY,  
VERY POORLY. SIC INMATES  
CAN ONLY WORK IN LAUNDRY,  
GARMENT FACTORY AND  
BUILDING SST. EDUCATIONAL  
OPPORTUNITIES ARE ALSO  
VERY LIMITED FOR SIC  
INMATES. FOR EXAMPLE, IF  
I WANTED TO TAKE A CLASS  
TO LEARN HOW TO OPERATE  
A BOILER, I COULDN'T DO  
THAT. THEY SAW THAT  
THESE KIND OF RULES ARE  
SWW

HERE FOR MY PROTECTION, BUT  
THEY'RE MAKING IT SO I  
CAN'T LEARN ANYTHING.

PLUS, IT IS NOT BELIEVABLE  
THAT THE GUARDS ON  
TDC WANTED TO PROTECT  
SIC INMATES WHEN THERE  
WERE SO MANY BRUTAL  
ATTACKS ON SIC INMATES.

AT  
HUGHES, THERE WAS AN INCIDENT  
WHERE A GUY WAS BEATEN  
AND STRIPPED IN A SALLYPORT.  
IN ANOTHER, AN INMATE  
WAS STRIPPED MAILED AND  
WHIPPED WITH BELTS.

SWW

IT WAS HARD FOR PENNY TO  
SEE ANYTHING POSITIVE

WHEN HE WAS IN SK AT

HUGHES. IT'S HARD TO

BLAME HIM BECAUSE ALL

SK INMATES WERE TARGETS

WE WERE CALLED "FAGGOTS"

AND "CHILD MOLESTERS"

EVERYONE THOUGHT THE GUARDS

DIDN'T KNOW WHAT WE

WERE. IT WAS A VERY

VERY HOSTILE ENVIRONMENT.

When I worked in seg at

the Hughes Unit I saw  
Saw

the guys a lot - believe me  
 after their seg time. You  
 don't come out the same  
 time. <sup>They are like</sup> ~~It's like~~ a psychiatric  
 patients when they come  
 out, every one of them  
 is not the same. They  
 remind me of people  
 who come back from war  
 JWW

broken. I think I've known 20-30 men ~~person~~

<sup>JWW</sup> personally who changed so much after seg. It <sup>reminded me of</sup> ~~reminded me of~~

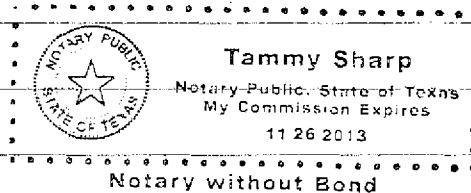
I have read the <sup>above</sup> ~~above~~ <sup>all of it</sup> ~~all of it~~

pages and had the

opportunity to make any  
 corrections. <sup>I wanted</sup> ~~I wanted~~, I swear  
 JWW

That he above is true and  
correct to the best of  
my recollection.

~~Jeffrey Wilson #581180 2-8-2010~~  
Jeffrey Wilson



Tammy Sharp July 8, 2010

Exhibit 115 : Affidavit of Russell Olstad

Affidavit of Russell Olstad  
My name is Russell Olstad.

I am over 18 years of age and  
have first hand knowledge  
of the facts set forth herein  
<sup>(S.O.)</sup> ~~unless~~ except <sup>(R.O.)</sup> where otherwise  
indicated.

① I have been incarcerated in  
TDC since since February 85.  
I first met Perry Austin on  
the Beto 7 Unit and then  
was incarcerated with  
him again in <sup>(R.O.)</sup> State keeping  
on the Hughes Unit.

② I have been held in

safe keeping on Beto 1 and  
here on the Hughes Unit  
we were treated better on  
Beto 1 & I have heard  
from other inmates that  
<sup>(R.D.)</sup>  
~~the~~ Hughes has one of  
the worst safe keeping  
units.

Safe keeping and general  
population inmates are  
neither treated the same  
nor do they have access  
to the same education  
and work opportunities.

For example, although we are able to participate in any school <sup>or vocational</sup> programs on this unit, however if you had an interest in a particular vocation and it was only offered on a unit that does not have safekeeping inmates, you could not take it. You would have to "sign off" on safekeeping which means enter general population, but you need the warden's

approval to sign off safekeeping  
You also need Huntsville's  
permission. I personally tried  
to sign off in 2000 to  
get away from the brigatory  
on Hughes Unit. I was trying  
to get back to Beto 1 where  
safe keeping inmates are  
treated better. But the  
warden said no. There  
are also instances where  
inmates have been approved  
for parole and need to  
complete the pre release

program. There is no such  
 program at the Hughes  
 Unit so safe keeping inmates  
 have asked to sign off  
 on safe keeping and have  
 been denied by the warden.  
 (B.D.) This means that <sup>there</sup> ~~in~~ safe  
 (R.D.) keeping inmates cannot  
 complete the program  
 and their parole board  
 takes away their parole  
 approval. There are often  
 instances where the parole  
 board has allowed safe

keeping inmates together  
without having completed  
the pre release program.

The biggest problem <sup>(P.O.)</sup> ~~is~~

forced by safekeeping  
inmates at the Hughes  
Unit is the prejudice.

They call <sup>(P.O.)</sup> ~~the~~ US names,  
but I don't like to use

those words. They consider  
us - politely - child abusers,  
sex offenders, faggots and  
snitches. These are some  
of the words used against

safekeeping inmates by  
both general population  
and guards

Another huge problem is that  
you can't go to the security  
with problems. Often  
making a complaint  
will mean that you  
are written up. They would  
tell you to grow testicles  
to stop hearing a cry baby  
there were very few of  
them who were trying

to do their jobs respectfully  
 Back when Perry was here  
 safe keeping inmates were  
 escorted everywhere,  
 herded <sup>(B.D.)</sup> ~~everywhere~~ from  
 one spot to another. The  
 guys in safe keeping  
 knew how he blackly  
 felt <sup>(B.D.)</sup> ~~when~~ when they went  
 through their struggles  
 we were oppressed,  
 they acted like we  
 were all child molesters  
 and that treatment gets

nerve weakness -> you get a  
 lot of suicides on safe  
 keeping. Safe keeping is  
 for people with problems  
 and it's hard when you  
 can't talk to staff about  
 your problems, when you  
 are constantly being  
 there have been several  
 suicides on this unit

When Perry Austin, myself  
 (B.O.) and all the other safekeepers  
 involved arrived at the Hughes  
 Unit, we

Perry <sup>R.O.</sup> and myself and ~~other safekeeping~~  
~~inmates~~ <sup>R.O.</sup> were some of the  
 first 'safekeeping inmates'  
 to be housed at the Huxley  
 Unit. Back then the guards  
 were more violent towards  
 us because before we were  
 put on this farm they  
 were told we were child  
 molesters and disease ridden  
 piggies. Back then most  
 of us worked on the  
 segregation unit and  
 the seg officers were

violent, looking for any  
 reason to beat you up.  
 The jobs available to subelkeep  
 inmates on the Hughes Unit  
 are garment factory, laundry  
 and the <sup>R.O.</sup> ~~MAINT~~ "garden squad"  
 in the fields. We are also  
 able to be in the building  
 clean up crew but only  
 for our own building.  
 Back when Perry was  
 here we also worked  
 in seg<sup>kitchen</sup> but not anymore.  
 Back in 1999 it was a

need military unit, they  
 could not shelter us, they  
 did not want safe keeping  
 on MS farm. Hateful  
 clannish red necks ran  
 this prison. In fact  
 2 wardens that I knew  
 of have petitioned  
 Huntsville to get rid  
 of safekeeping on my  
 unit. Name, warden  
 Herbert <sup>RD</sup> ~~Herbert~~ Scott and Warden  
 Dawn Crowder.  
 General population feel

us in the chow hall.

The guards encourage  
the general population  
(R.O.)  
guys to serve us small  
portions and often they  
will take food off the  
line.

Another problem created by  
safetykeeping measures is  
overcrowding of the  
work space. Because  
there are so few jobs  
we are allowed to  
do, ~~there~~ (R.O.) our work

R2

spaces like the laundry  
can be very crowded,  
this becomes aggravating  
and causes a lot of friction.  
I am taking a cognitive  
intervention class with  
general population. The  
general population in my  
class is like we have  
leprosy, we are totally  
shunned, the red band is  
the worst thing that  
could have happened to  
us, we are cursed, it's like

a target, we are color coded.  
They <sup>even</sup> both guards and general  
population act like we  
are the worst most despicable  
people on the planet.

When Perry was here,  
we didn't have the wrist  
bands, but we were  
escorted everywhere.  
This was almost worse  
because it made the guards  
mean and they belittled  
us and the general  
population in general.

would belittle us saying that  
 we were <sup>R.O.</sup> ~~weak~~ weak and  
 couldn't go anywhere without  
<sup>R.O.</sup> ~~an~~ an small escort.

I have read this statement  
 and had the chance to  
 make any changes I  
 wanted. I swear that  
 he above is <sup>R.O.</sup> ~~the~~ true

Russell N. OISTAD Jr.

Signed Russell Oistad  
 signed in the lieu of notarization b/c notary  
 not available on Onit, today, after 2:15pm  
 Russell N. OISTAD Jr. # 391985 (4:13pm)

Exhibit 116 : Affidavit of Richard Goeglein, July 8, 2010

## AFFIDAVIT OF RICHARD GOEGLEIN -

My name is Richard Goeglein. I am over the age of eighteen years and have first hand knowledge of the facts set out below unless otherwise indicated.

① I have been incarcerated ~~at~~ in the TDC

system since 1988. I first was housed

at the Beto 1 Unit, where I first

met Perry Aushin. I was 17 when

I got to TDC and Perry took

me under his wing, he taught

me a lot of things, like how

to spot people who are trying

to run game on you, how

sometimes if it looks like

R.G. 1

Someone wants to fight you you have to be ready to defend your self in prison. He was a mentor to me, he taught me that it was important to exercise. He would exercise pretty obsessively sometimes.

Perry told me that things were a lot worse in TDC when he arrived. He said that they had some sort of inmate police called building tender, they were a scary bunch of inmates running around with billy clubs, beating people, some-

R.G.

times to death - it sounded insane. He said they could get away with anything and the security didn't care what they did. It's been a long time, so I don't remember the specifics of his stories, but he would tell me about the violence and that as a young inmate especially in safe keeping you had to learn to protect yourself from other inmates.

② Perry and I were cell mates at the Ellis II Unit. Perry

made sure we kept a clean cell. It was really important to him. I remember he didn't let me spit in the sink - you had to spit in the toilet after scrubbing your teeth. He drilled this into me so much that it's a habit I still have today. Every day Perry would make sure that the floor, sink, toilet, walls everything was shiny. ~~At the time I heard~~ He would wash his own t-shirts and

R.G.

R.G.

underwear too. When we worked in the laundry laundry he didnt do this but the rest of the time we did.

- ③ In my time at TDC I have been housed in <sup>transit cells</sup> ~~in the following~~ <sup>16</sup> ~~units~~ in the following Units: Shiles, Beto I, Eastham, Ellis II, Ferguson, Alford.

The older units (Eastham, Ellis II, Ferguson, Beto I) are really really bad. It can make you crazy sitting by yourself constantly. ~~in the following~~ <sup>26</sup>

In terms of electricity ->

If they let you see the cells you would see

there is no fan in the cell.

The electricity and the light

were on two breakers and

often the electricity was

off, so even if you had

your own fan you couldn't

use it. Sometimes when I

was able to get my property

back here I would unscrew

the light and connect the

fan into the light socket

R G

Often it was a choice between  
air and light, so I would  
choose to sit in the dark.  
I think part of the reason  
he switched the electricity  
off at the wall socket  
was because people were  
using it to start fires.  
It can make people  
crazy and act out like  
meat. Sometimes when  
you need attention from  
the guards and they ignore  
you it makes you crazy.

3234  
RG

being locked up in ~~transit cells~~  
transit cells R6

You are supposed to have both

you don't get it. They tell

it was 50/50 where

you get your property back. R6

The transit cells <sup>29</sup>  
~~are really dirty and~~ at  
 Eastham also stink. The  
 cells are really dirty, you  
 really have to clean them  
 yourself when you get here  
 its a good thing that the  
 guards don't seem to mind  
 giving you soap. They don't  
 clean the cells, its up to  
 you. At Eastham ~~there are~~  
~~no windows in the cells~~ <sup>26</sup>  
~~there are no~~ there are no  
<sup>26</sup> windows in the transit  
 cells ~~there are~~  
~~no windows in the cells~~ <sup>26</sup> - The only

natural light you ~~see~~<sup>see</sup> see ~~see~~  
comes through the heavy  
mesh covering the door from  
the windows across the  
room from your cell.  
It's also really loud in  
these cells. People are  
constantly screaming and  
banging. If you are  
already dealing with  
something, already getting  
depressed, it doesn't help  
you spend your time  
thinking and sleeping, if you

can sleep given all the noise.  
You exercise, but it's hard to  
get motivated because they  
don't feed you much and  
if you exercise too much  
you'll be hungry. The  
cells are 5 foot by 9 feet  
cage wire all over the door.  
They are tiny hot little  
cells and in the winter  
they are tiny cold little  
cells. In the winter I  
would try to get extra  
jewels from the shower.

Because I would be too ~~old~~<sup>86</sup>  
cold with the blanket  
they issued me. The cells  
are always banged up,  
beds ripped up, light  
bulbs missing, screaming  
inmates hanging on the  
walls. It is difficult.  
You can't get away from  
it, can't do anything about  
it you are just stuck,  
wondering when they are  
going to ~~come~~ come tell  
me something, move me,

always anticipating something  
Everyday that they don't come  
for you is a let down. If  
you are lucky enough to  
have a light bulb in the  
cell, you better hold  
it with you. Its hard  
to explain - just being  
stuck somewhere with  
nothing to look forward  
to except being moved,  
you're not sure, if they are  
playing game with you or  
not. The cells are short

so there is not much packing room and eventually you are going to start packing.

(4) On the Eastham Unit the transit cells are also used as pre hearing detention cells.

(5)

R.G.  
Sometimes on Eastham you will be housed in what is really segregation cells instead of the pre hearing detention/transit cells. Sometimes there is over-

R. G.

R.G.

They call it overflow and  
 can put you wherever  
 they want. If they ~~had~~  
 had transit overflow they  
 would put us with the  
 "A status" segregation inmates,  
 the screamers and howlers.  
 The segregation cells looked  
 the same as the transit/  
 prehearing detention, ~~RG~~  
~~RG~~ they are exactly the  
 same.

⑤ Arthur Perry and I met 1

thought he might be interested

in Satanism, we both  
 share Active American  
 heritage and I thought that  
 the religion's connection  
 to nature would interest  
 him. He was particularly  
 interested in the religion's  
 tenet that it is  
 absolutely wrong to harm  
 children and the handicapped.  
 He despised anyone who  
 harmed children.

I have read the above  
 16 pages and had me

opportunity to make any  
changes I wanted. I swear  
under the penalty of  
perjury that the above  
is true to the best <sup>RG</sup> ~~best~~  
of my recollection.

Richard Goeglein #483939  
Richard Goeglein.

Chequita Dunbar 7/8/10

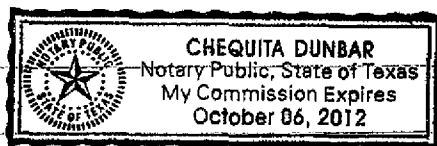


Exhibit 117 : Affidavit of Brian Whetstone, July 8, 2010

## Affidavit of Brian Whetstone

My name is Brian Whetstone.

I am over the age of eighteen and attest that the facts contained below are within my personal knowledge unless otherwise indicated.

- ① I have been a TDC inmate for a little over 19 years. I have been housed in safe keeping since August 1993. I have lived on the Ferguson Unit, Michael Unit, Alfred Unit, Hughes Unit

B. K. W. #1

and the Telford Unit. I have lived in safekeeping ~~at~~ in all of these units.

② I met Perry Austin in 1999 on the Hughes Unit in safekeeping.

③ Living in safekeeping at the Hughes Unit was difficult. There was a lot of discrimination against us. Perry would get very upset at the officers' treatment of us. They would call us child molesters, AIDS infected faggots or catchoos.

B. Kow #2

Cabchouts are people who have  
 problems living in general  
 population. Some of the guards  
 don't call us names, but the  
 majority do. Here at the Teller  
 Unit I work as a trustee janitor  
 and I get to go out to the  
 front of the unit. Often  
 I hear the guards refer  
 to safekeeping inmates  
 as girls and child molesters.  
 This happened at the  
 Hughes Unit as well.

General population  
 D.K.A #3 <sup>20451</sup>

~~in~~ inmates would make sexual innuendo it would cause fight between general population and staffkeeping inmates.

(4) Perry got locked up on the Hughes unit after getting into an altercation with a guard. They were conducting a major shake down and we were all in the gym.

B.K.W. ~~People~~ → inmates were going to the bathroom and Perry got -  
B.K.W. #4/25/40

up to go. Nobody else  
had been asking permission  
to use the bathroom so  
Perry must have thought he  
didn't need to enter. A  
guard told him to sit  
down, he wanted him to  
ask his permission,  
Perry ignored him and  
continued to walk to  
the bathroom. The guard  
followed him and  
put his hands on  
Perry. The guard swung  
B.K.W #5 026436

Perry around and they  
told he he floor fighting.

Perry got locked up  
in pre hearing detention

after this. This incident happened  
soon after the Texas 7 escape

⑤. I have been locked up in

pre hearing detention on

the <sup>of</sup> ~~Hogson~~ <sup>Ferguson</sup> Unit. In my

experience they didn't give

me my property, they didn't

give me my hygienes, no

sheets. When Perry got

out of ~~a~~ pre hearing detention

he told me that ~~he~~ they  
BKW # 625437

didn't give him sheets or  
a blanket and for most  
of the time they didn't  
give him his property,  
so he ~~couldn't~~ couldn't clean  
his hygienics. He was  
quite upset about that.  
When he got out I saw that  
he hadn't shaved the  
whole time and he had  
facial hair. ~~As~~ I believe  
he said that he was  
only able to shower a  
few times during his detention.  
B.K.W. #29138

Ken Perry told me that  
he was only able to brush  
his teeth when the guards  
gave him tooth powder.

This must have been hard  
for Perry to become <sup>B.K.W</sup> ~~when~~

The whole time I knew  
him, and we were lovers  
for a while so I knew  
him well, he would  
brush his teeth

four times a day.

(6) Safekeeping and general  
population inmates are

B.K.W. 08/05/59

treated differently with  
respect ~~to~~ to work.

At the Hughes unit we  
were allowed to be  
janitors, but only in the  
building we lived in, or  
we could work in the  
laundry or garment  
factory. <sup>B.K.W.</sup> ~~So~~ we cannot  
<sup>B.K.W.</sup> ~~So~~ go above an S3  
classification, I believe  
this comes from a  
Huntsville directive.

For example, I F I I weel  
B.K.W. #9440

in general population I  
 could get up to an S2  
 restricted, because I have  
 been convicted of a crime  
 of violence. However  
 another safekeeping inmate  
 who has <sup>BKW</sup> ~~been~~ not been  
 convicted of a violent  
 crime could never make  
 it above S3. If you  
 are an S1 or S2 you  
 are allowed more contact  
 visits and you get a little  
 more good food -  
 BKW # 32644.10

⑦ Perry would get into heated arguments with guards at the Hughes Unit. If an officer referred to him <sup>B.K.W.</sup> ~~as~~ or another inmate as a girl or when he heard them call people baby rapers he would speak out. He was say something snark like 'go tell your mamma' next?

⑧ Safetykeeping heard just green when we go to the Hughes unit.

B.K.W. # 1725442

and the guards / administrators  
were relatively fresh to  
how skeletoning works.  
You have a bunch of  
flamboyant - homosexuals  
arched eyebrows, the walk  
the talk, the make up.  
The guards hated it.  
Gay men in general population  
aren't really discriminate  
against because they  
hide their sexuality.  
Whereas the guys  
in skeletoning are

open and comfortable with  
who they are.

⑧ At the Hughes Unit they  
<sup>B.K.W.</sup>  
~~was~~ escorted us everywhere

we went. Chow, lay-in

etc. General population

prisoners serve us chow

and I have seen them

make safekeeping inmates

pay them stamps for food.

Usually the main part

of the meal, like, for

example chicken patties,

Now, <sup>B.K.W.</sup> from the guards

B.K.W. #13

turn a blind eye to this.  
I have seen this happen  
at Hughes and all the  
units I've been housed  
in. I have also seen  
men performing sexual  
favors for food. If-  
you don't have money  
for stamps or friends  
who will <sup>B.K.W</sup> ~~help~~ let you  
eat - then commissary  
you will go hungry  
if you don't eat enough  
for food, when people  
<sup>B.K.W</sup> ~~026445~~ 14

are hungry they will  
<sup>B.K.W</sup>  
~~don't~~ degrade themselves.  
 Another thing that happens  
 at them is the general  
 population inmates  
 'share the spoon' so  
<sup>B.K.W</sup>  
~~in street~~ instead of getting  
 2 ounces of food  
 you get  $\frac{1}{2}$  - 1 <sup>ounce</sup> ~~ounce~~ <sup>B.K.W</sup>

(9) At the Hughes unit sale  
 keeping inmates who  
 get less rec time. We  
 are supposed to get

to recs a day, the same  
as general population.

The reality is different.

We seldom get the

<sup>B.K.W.</sup>  
~~full~~ full three recs

and often the two rec

we do get are shortened.

Instead of 3 hours of

rec, per rec period,

we would usually

get 1 1/2 - 2 hours.

Outside recreation was

very important to

Perry. He liked to run

B.K.W. #16

025447

and play volleyball and  
hand ball. Consistently  
missing out on all the  
rec time he was entitled  
to frustrated Perry.

⑪ ~~⑩~~ I have heard of people in  
safekeeping being denied  
contact visits with  
their own parents.

⑫ ~~⑪~~ When safekeeping moved  
to the Hughes Unit we  
were housed in the  
same building as some  
of the general population

inmates (3 building) The general  
 population inmates didn't  
 want us working in  
 the craft shop & the  
 administration denied  
 us access. At other  
 units we were able  
 to work in the craft  
 shops so people arrived  
 with tools. <sup>B.K.W</sup> ~~The admin~~

Since we were not allowed  
 to work in the craft  
 shop the administration  
 made people send us  
 B.K.W #18

tools home. When general population eventually left 3 building the safe keeping inmates were required to ~~be~~ purchase new tools for themselves to replace the tools they were forced to send home.

10. We are discriminated against in work. There are all sorts of skills that I have - plumbing, maintenance, cooking etc.

BKW #19 026450

I am not allowed to work  
in here field. They  
justify it by saying they  
are protecting us but  
if they really wanted  
to protect us they  
wouldn't allow any  
contact between safe  
keeping and general  
population.

- (13) Two examples of brutality  
against safe keeping  
inmates Mark I  
remembers are: On

the Fergusen Unit, two  
 Sale keeping inmates  
 returned to work and  
<sup>BKW</sup>  
~~the guards~~ stayed in  
 the cell. <sup>BKW</sup> ~~the guards~~ and  
 returned to give their  
 food trays to the guard.  
 The guards opened  
 the cell doors and  
 allowed two general  
 population inmates  
 to beat these guys  
 up. Another time  
 a guy called Michael  
<sup>BKW #2, 026452</sup>

Bollinger was sprayed  
in the face with a high  
extinguisher by 2 boss  
ladies. He sweat the  
strobe and I never  
very settled out of  
cave.

- (12) We ~~to~~ are allowed to have  
the same work opportunities  
as general population.  
However because some  
courses that you might  
choose to make take are  
only offered at men  
BKW #22 <sup>026453</sup>

safe keeping units <sup>BW</sup> ~~you~~ to  
participate safe keeping  
innates have to 'sign  
off' on safe keeping.

The problem is that  
not everybody in  
safe keeping would  
make it in general  
population given the  
rapes & extortions.

Some people aren't allowed  
to sign off, you <sup>BKw</sup> need  
permission from both  
the warden and Huntsville  
B.K.W. #23 328454

and if you are a gang member,  
 flamboyant or in law enforcement  
 you cannot sign off. So  
 guys who have signed  
 off and <sup>B.K.W.</sup> try to make it  
 make it come right back.  
 It is particularly difficult  
 to live in safe keeping if  
 you are what is  
 considered flamboyant.  
 Sometimes they are denied  
 chew and sent back  
 to their houses because  
 of their hair, or make up. <sup>B.K.W.</sup> ~~they~~  
<sup>B.K.W. #1215</sup>

I have seen people stripped  
 naked <sup>B.K.W</sup> ~~and~~ in the crew  
 halls and main hallways  
 and made to walk  
 naked back to their  
 cells, for wearing their  
 uniforms too light.

<sup>B.K.W</sup>  
~~when Perry got out of~~

Perry wrote to my Mom  
 Morris Canby Tal after  
 he was much happier  
 He said in his letters  
 that they heard him in

After Perry got out of pre  
 trial detention he was  
 held on medium custody  
 I would see him somewhere  
 at rec. He had stopped  
 working at, and <sup>B.K.W.</sup> ~~that~~  
<sup>B.K.W.</sup> ~~was~~ exercise was always  
 very important to him.  
 He would still talk but  
 he seemed distracted.

I have read the above  
 pages and had the  
 chance to make changes

B.K.W. #26457

I swear that he above  
is true and correct  
to the best of my  
recollection

Brian Keith Whitstone  
Bryan Whitstone

~~W~~ Chequita Dunbar 7/8/10

